

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FLORENCE CARBERRY,

Plaintiff,

v.

MACY'S EAST, INC. and FEDERATED  
RETAIL HOLDINGS, INC.,

Defendants.

Civil Action No. 07 CIV 8691 (LAK)

**PROPOSED CONSENT SCHEDULING  
ORDER**

Upon the consent of the parties, it is hereby ORDERED as follows:

1. No additional parties may be joined after March 28, 2008.
2. No amendments to the pleadings will be permitted after May 15, 2008.
3. The parties shall required Rule 26(a)(2) disclosures with respect to:
  - a. Expert witnesses on or before August 1, 2008;
  - b. Rebuttal expert witnesses on or before September 30, 2008.
4. All discovery, including any depositions of experts, shall be completed on or before November 15, 2008.
5. A joint pretrial order in the form prescribed in Judge Kaplan's individual rules shall be filed on or before January 15, 2009.
6. No motion for summary judgment shall be served after the deadline fixed for submission of the pretrial order. The filing of a motion for summary judgment does not relieve the parties of the obligation to file the pretrial order on time.
7. If any party claims a right to trial by jury, proposed voir dire questions and jury instructions shall be filed with the joint pretrial order.

8. Each party or group of parties aligned in interest shall submit not less than ten (10) days prior to trial (a) a trial brief setting forth a summary of its contentions and dealing with any legal and evidentiary problems anticipated at trial, and (b) any motions *in limine*.

9. This scheduling order may be altered or amended only on a showing of good cause not foreseeable at the date hereof. Counsel should not assume that extensions will be granted as a matter of routine.

Dated: January 10, 2008

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Lewis A. Kaplan  
United States District Judge

CONSENTED TO:

LAW OFFICES OF ELIZABETH A. MASON, MORGAN, BROWN & JOY, LLP  
L.L.P.

*/s/ Elizabeth A. Mason*

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*/s/ Laura M. Raisty*

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Attorneys for Defendants Macy's Retail  
Holdings, Inc. (formerly known as  
"Federated Retail Holdings, Inc.") and  
Macy's East (formerly known as "Macy's  
East, Inc.")